

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office Address: BOX INTERFERENCE

COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Filed by: Judge Richard E. Schafer Telephone: (703) 308-9797 Facsimile: (703) 305-0942

MAILED

FEB 2 1 2001

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES Applicants: HSU

Application No.: 09/352,093

Filed: 07/14/99

For: ULTRA-HIGH EFFICIENCY TURBINE AND

FUEL CELL COMBINATION

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,561.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

RICHARD E. SCHAFER

Administrative Patent Judge

The opinion in support of the decision being entered today is <u>not</u> binding precedent of the Board.

Paper 1

Filed by: Richard E. Schafer

Administrative Patent Judge

Box Interference

Washington, D.C. 20231

Tel: 703-308-9797 Fax: 703-305-0942 Filed: 21 February 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED

MARK SKOWRONSKI,

Junior Party, (Patent 5,811,201),

FEB 2 1 2001

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

V.

MICHAEL S. HSU and ETHAN D. HOAG,

Senior Party, (Application 09/352,093).

Patent Interference No. 104,561

NOTICE DECLARING INTERFERENCE

(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Richard E. Schafer has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for 2:00 p.m. on April 13, 2001 (the call will be initiated from the PTO)

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Additional Matters

The drawings of Skowronski Patent 5,811,201 do not include the numerals referred to in the specification. Within twenty-eight (28) days of the date of this NOTICE DECLARING INTERFERENCE, Skowronski is required to file with the Board an annotated drawing including the numerals referred to in the specification.

Part E. The parties involved in this interference are:

Junior Party

Named inventors:

MARK J. SKOWRONSKI, Walnut, CA

Patent:

5,811,201, granted 22 September 1998

Title:

Power generation system utilizing

turbine and fuel cell

Assignee:

Southern California Edison Company

Accorded Benefit:

None

Attorneys:

See last page

Address:

See last page

Senior Party

Named Inventors:

MICHAEL S. HSU, Lincoln, MA

ETHAN D. HOAG, East Boston, MA

Application:

09/352,093, filed 14 July 1999

Title:

Ultra-high efficiency turbine and

fuel cell combination

Assignee:

None

Accorded Benefit:

Patent 5,976,332, granted 2 November 1999,

based on Application 08/977,835, filed

26 November 1997

Patent 5,693,201, granted 2 December 1997,

based on Application 08/325,486, filed

19 October 1994

Attorneys:

See last page

Address:

See last page

Part F. Count and claims of the parties

Count 1

Claim 10 of Skowronski Patent 5,811,201.

The claims of the parties are:

Skowronski

1-13

Hsu:

53-65

The claims of the parties which correspond to Count 1 are:

Skowronski

10-13

Hsu:

53-65

The claims of the parties which do <u>not</u> correspond to Count 1, and therefore are not involved in the interference, are:

Skowronski

1-9

Hsu:

None

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference.	See § 18 of the
STANDING ORDER.	

		Paper 1
Filed	on behalf of [name of party]	•
By:	Name of lead counsel, Esq.	•
	Name of backup counsel, Esq.	
	Street address	
	City, State, and Zip-Code	
	Tel:	
	Fax:	

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

MARK SKOWRONSKI,

Junior Party, (Patent 5,811,201),

V

MICHAEL S. HSU and ETHAN D. HOAG,

Senior Party, (Application 09/352,093).

Patent Interference No. 104,561

TITLE OF PAPER

Leave a blank line because the board assigns the paper number.

Part H. Summary of dates f r taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

- 1. § 7: date for identifying lead and backup counsel.
- 2. § 8: date for identifying any real party in interest.
- 3. § 9: date for requesting copies of involved and benefit applications and patents.
- 4. § 17: date for filing list of proposed preliminary motions.
- 5. § 19: date for accomplishing certain discovery.
- 6. § 20: date for filing clean copy of claims.
- 7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
- 8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- 9. § 33: date for objecting to admissibility of evidence.
- 10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- 11. § 35: dates when cross-examination can take place.
- 12. § 45: dates for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 104,561

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

2.	Complete address, including street, city, state, zip code and telephone number a Post Office box inasmuch as file copies are sent via commercial overnight co						
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Part J. Signature of administrative patent judge

Richard E. Schafer

Administrative Patent Judge

Date: $\frac{\nu/\mu/\partial/}{\text{Arlington, VA}}$

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

PTO Form 850

Copy U.S. Patent 5,811,201

Copy of claims of 09/352,093

DECLARE.007 Revised September 20, 2000 (replaces DECLARE.006.1) cc (via Federal Express):

Attorney for SKOWRONSKI:

SHELDON and MAK 225 South Lake Avenue Suite 900 Pasadena, CA 91101

Attorney for HSU:

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